

San Francisco Estuary Project Implementation Committee Meeting

Friday, May 7, 2004
10:00 a.m. – 12:30 p.m.
Vacaville Cultural Center, 1000 Ulatis Street, Vacaville, CA

Meeting Summary

The meeting began at 10:15 a.m.

1. **Introductions/Approval of February 6, 2004 Meeting Summary** - *Larry Kolb, Chair, Implementation Committee*. A round table of introductions was made. On Page B, Number 3. NOAA's Increasing Stewardship of San Francisco Bay was corrected to list that Mr. Edmondson and not Mr. Brosnan reported that NOAA's new Restoration Center began a new CALFED eel grass restoration program. The summary was approved as amended.
2. **Public Comments. Any member of the public may address the Implementation Committee (IC) on any matter regarding implementation of the Comprehensive and Management Plan (CCMP). Time is limited to five minutes per person.**
 - A. Ms. Trish Mulvey, Friends of SF Estuary, made a recommendation about the SF Water Board's May 5, 2004 Notice of Public Solicitation Period and Public Workshop for the Triennial Review of the Basin Plan: Stream Protection and Management. The CCMP Land Use Objective 3 provides "for comprehensive watershed planning throughout the Estuary regions to protect wetlands and stream environments and reduce pollutants in runoff." Because of state budget reductions and staffing, she was concerned about the need versus resources predicament. Ms. Mulvey recommended as an individual and organization to encourage the implementation of the Stream Protection and Management issues list. Dr. Kolb stated under the annual RWQCB staff rotation, that there may be more staff available to address Stream Protection and Management issues. Ms. Salzman made a motion, which was approved to encourage SF Water Board staff to implement Stream Protection and Management.
 - B. Gary Bobker, Bay Institute commented the State Water Board is beginning its process for the triennial review of the Bay-Delta Water Quality Standards. He noted the IC should consider a presentation on this topic.
3. **CCMP Implementation - Aquatic Resources Management Delta Improvement Package -- What's Up?** *Dennis O'Connor, State Senate Committee on Agriculture and Water*

Presentation and future action: Mr. O'Connor provided a comprehensive overview about legislation and the many issues and players involved with water policy and management. He discussed the Napa Agreement; SB 1155; South Delta Improvement Plan (SDIP); the Environmental Water Account (EWA); and Federal legislation.

Napa Agreement: the catalyst for the Napa Agreement was the institutional conflict between the Bureau of Reclamation (Bur-Rec) and the Department of Water Resources (DWR). In July 2003 Bur-Rec, DWR, Bureau of Fish and Game and select contractors met to discuss specific information and problems about California's state and federal water projects. The outcome of this meeting includes better coordination by Bur-Rec and DWR on modeling and the parties agreeing to increased pumping from 6600 cfs to 8,500 cfs. The increased pumping could move 200,000 to 1 million AF of water out of the system. There has been significant controversy about the Napa Agreement because of the meeting's exclusiveness.

In September 2003, Senator Machado convened a water quality issues meeting at the University of Pacific, Stockton. Attendees included Central Valley Project, State Water Project and Delta Water contractors. It was noted that a lot of questions and contract promises were asked and made at the meeting. In response to these concerns, the California Bay Delta Authority's (CBDA) October 2003 meeting focused on reviewing the Record of Decision (ROD) and its recommended allocation of program funds versus actual expenditures. There was considerable discussion about the need for "balance" among all the CALFED programs. Water Quality expenditures were among the lowest at 33%.

SB 1155: Senator Machado introduced SB 1155 (Water Quality Standards: Sacramento-San Joaquin Delta) as a pre-print bill. The bill calls for certain conditions having to be met, before any public entity could assist in increased pumping. Senator Machado is insisting that CALFED balance its programs otherwise it will lose its funding. SB 1155's significance went beyond increased pumping to focus on water quality standards and program progress. Mr. O'Connor commented that Senator Machado is cautiously optimistic as CBDA has authority over the Science Program but other programs are directed independently by State and Federal agencies. Lester Snow, DWR, is creating a document or matrix of linkages, but has questionable value if it lacks enforcement.

Environmental Water Account (EWA): the four-year experiment ends in September, when the agencies must decide whether to continue this project – so far only the State has provided funding. If it continues, it would be financed by 50% of Proposition 50 funds for contracts for water, long-term storage and transfers. The State Senate Budget Subcommittee asked DWR about water user benefits, amount of water provider use and amount to compensate waters users to comply with the law. Since DWR didn't have answers during the hearing, DWR must respond in writing. The Farm Bureau filed a lawsuit contesting the EIS/EIR for 2004 EWA. The State Senate Budget Subcommittee also asked about a user fee to support the Ecosystem Restoration Program (ERP). Staff is developing trailer legislation language for a 50/50 financing between beneficial users and the State.

Federal Legislation: Mr. O'Connor commented that IC members might want to follow US Representative Ken Calvert's HR 2828: Water Supply, Reliability and Environmental Improvement Act. While it authorizes the Federal Government to participate in the CALFED Bay Delta Program, it restricts the federal share to 33% of costs. It also encourages the development of storage facilities, which have automatic federal approval, unless specifically rejected by Congress within the 120-day feasibility study review period. While EWA defines the provision of water for fish that exceeds the regulatory baseline standards, HR 2828 only requires baseline water quality standards. Also under HR 2828, land acquisitions by the Federal government would be more difficult. Still, HR 2828 is similar to SB 1155 as water exports are restricted unless water quality standards are met.

Discussion: Dr. Pawley asked how all the water issues will be affected by the Governor's California Performance Review (CPR) or "Blowing Up the Boxes?" Mr. O'Connor said the CPR will be given to the "Little Hoover" Commission for review and recommendations and the Little Hoover's recommendations are given to the legislature. If the legislature does not disavow within 90 days the recommendations become law. Further discussion included land use, smart growth, water transfer and acquisitions issues. In order for farmers to stay in business, farmers and government incentives must change. Mr. O'Connor commented that in summary, an imbalance exists in aquatic resources management, which CBDA must address. Adherence to ROD schedules and concurrent improvement on all programs will produce stronger aquatic resource management programs.

4. CCMP Implementation - Dredging and Waterway Modification

Considering a Sediment Budget for the Estuary -- *Rick Morat, USFWS*

Discussion and future action: Mr. Morat brought the topic to the Implementation Committee in its role to effect change. He provided a brief history on sediment management issues for the Estuary, including the Subtidal Goals Report partnered by BCDC and NOAA Fisheries. Estuarine sediment has changed because of animal grazing and dams and the last studies on this issue were done 10 years ago. Mr. Morat said we need to keep the sediment sources we have and we need a sediment management plan. He commented more information is needed for the South and North Bay Salt Ponds restoration, BCDC's Sand Mining Report and the Subtidal Goals Report. Developing policy is a very lengthy process, it took 5 years to formulate the Baylands Habitat Goals Report, which indicates the policy void for sediment management. IC members discussed the very complex issues related to developing a sediment management plan, including sediment deficits, sea level rise, mud flat and tidal marsh restoration, connecting sediment and land use, and how local management of watersheds may affect sediment supplies. Coordination is needed in overcoming sediment deficits, competition for sediment should be eliminated possibly through regulatory and other management tools. LTMS and the State Lands Commission need to be in the discussion. Agencies and dischargers are very interested in the re-use of dredged materials. Some studies are underway, USGS and CALFED are doing some simulation modeling and work on sediment budgets. Mr. Brosnan commented that the Wetland Restoration Program (WRP) was interested in submitting a proposal to the Moore Foundation on these issues, but the proposal died in a WRP subcommittee.

Action: IC members agreed that further action is needed. Dr. Connor volunteered to organize an IC workgroup to include Dr. Kolb, Misters Brosnan, McAdam, Morat, and Dillon. The work group will provide recommendations to the IC for coordination and next steps.

4. SFEP Draft 2004-05 Work Plan and Budget - Marcia Brockbank, SFEP

Review and comment on draft plan/budget

Discussion: Ms. Brockbank reviewed the process for approval of the plan and budget. After the February meeting, she incorporated IC members' comments into the draft plan and budget, then forwarded it to the Executive Council for final approval in April. She asked for any further remarks or suggestions, since June is the EPA application deadline. Dr. Kolb asked about the difference between the 2003-04 and 2004-05 budgets. Ms. Brockbank said both budgets are tied to specific contracts. 2003-04 had a \$12,186,351 budget and 2004-05 is estimated to have a \$13,921,935 budget. The CALFED Science and Drinking Water Quality contract is the major source of funds, and includes tasks that implement the CCMP. She commented that SFEP's only real discretionary funds are those provided by Congress through EPA, approximately \$500,000 of which \$300,000 funds staff, consultants, and the newsletter. The additional \$200,000 funds Small Grants; the EcoAtlas Information System and Wetlands Tracker; SF Ecosystem Indicators development; SFEP website and interns; Wetlands Monitoring Plan Review and developing a CCMP Implementation Financial Strategy. Dr. Connor asked if a trade could be made between the Small Grants Program and/or continuing the SF Bay Wetlands Restoration Program and/or begin a dredging long-term strategy management program. Ms. Brockbank commented it is late in the process to make that kind of change, but could be included in the next year's plan. Mr. Morat said the Small Grants Program is a social capital builder to create new supporters.

5. Ecosystem Indicators and Performance Measures for the Estuary- Mike Connor, SFEI, Gary Bobker and Anitra Pawley, Bay Institute

Discussion: Mr. Bobker provided a brief overview of the need and history of SF Bay-Delta Ecosystem Indicators development. He described the collaborative efforts that resulted in the indicators presented at the 2003 State of the Estuary Conference and TBI's release of the

index on the health of the SF Bay. Mr. Bobker said a long-term strategy is required to continue the project and make the necessary National Estuary Program refinements. The next phase includes expanded investigation of both the water quality and habitat indexes as well as scheduling a bird index workshop. There should be a clear linkage to big picture ecosystem indicators for the Bay and possibly more refined performance measures for CALFED. Some State legislative members are interested in pushing forward performance measures for CALFED. He commented a proposal to fund developing ecosystem indicators for the San Joaquin Valley was stopped due to political issues. TBI has submitted an indicators development proposal to CALFED as a "directed project". This proposal provided a clear articulation of geographic and regional demarcations; appropriate time series; succinct questions and objective conforming with CBDA goals; multi-metric indexes; a tiered approach to reach several audiences; establishing data system storage; a graded system; and establishing a system to facilitate updates. The indicators team is seeking IC recommendations to institutionalize this crucial enterprise. Phil Bobel commented that Bay-Delta water quality is a very complicated issue. In order to maximize compliance among residents and to establish agency uniformity, simplicity is required. He recommended the establishment of indexes and a system similar to the Bay Area Air Quality Management District. Legislation may be needed for an agreement on simple indicators, water issues that directly affect people and geographic information. Leading economic indicators would be a sample. Mr. Bobker asked that letters supporting TBI's proposal be sent to CALFED. Action: Members commented that vision, a phased approach and legislation institutionalizing a funding component are needed, starting with the Bay. Members recommended that SFEP and the SF RWQCB write letters of support for the directed action proposal to CALFED.

6. SFEP/CALFED Updates

- A. CALFED Updates - *Bob Raab, ABAG/CALFED Task Force/Jean Auer, SFEP*
ABAG/CALFED Task Force: In the interest of time, Mr. Raab said that Mr. O'Connor's report detailed CALFED activities.

7. Possible Items and Assignments for August 6, 2004 Meeting Agenda - Larry Kolb, Chair

- A. Suisun Marsh Charter Plan - *Carl Wilcox, DFG*
- B. Cattle grazing, management and grazing practices
- C. Mercury TMDL for the Bay and tidal marsh restoration
- D. Update on invasive species issues and State legislation
- E. Updates on the Regional Monitoring Program, Sediment Management, and SF Ecosystem Indicators
- F. Triennial review of Bay-Delta water quality standards

8. Announcements

- A. Mr. Ray said the July Bay-Delta Public Advisory Committee will cover the Ecosystem Restoration Program and the Science Program.
- B. Mr. Morat announced that on May 20th in the Senate Caucus Room in Washington, DC Barbara Salzman will be honored with the 2004 National Wetlands Award. The award is presented to exceptional individuals who have demonstrated extraordinary efforts in wetlands conservation.

9. Adjourn: The meeting adjourned at 12:30PM

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| <p style="text-align: center;">2004 Meeting Dates August 6, Oakland (Elihu M. Harris State Building) November 5, Vacaville</p> |
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